REMARKS

Applicant respectfully requests consideration and allowance of the pending claims. Each of the independent claims 1, 27, 32, 34 and 36 has been amended hereby. Applicant thanks the Examiner for the detailed analysis presented in the Office Action of May 8, 2007.

Specification Objection

The specification objection is moot in view of the amendments to claims 32, 33, 36 and 37. In particular, each of the indicated claims now recites the subject matter "computer storage media." Support for this subject matter is found in paragraph 78 of the specification. The Office is requested to acknowledge that the specification objection has been obviated.

Claim Rejections Under 35 U.S.C. § 112

Claims 32, 33, 36 and 37 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

Each of the rejected claims now recites the subject matter "computer storage media." Support for this subject matter is in paragraph 78 of the specification. Accordingly, the Office is respectfully requested to withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 101

Claims 32, 33, 36 and 37 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Claims 32, 33, 36 and 37 have been amended to recite "computer storage media." (Emphasis added.) The language added to the rejected claims is Office accepted as being sufficient to overcome non-statutory subject matter rejections of the type asserted by the Office. Accordingly, the Office is respectfully requested to withdraw the rejection.

Claim Rejections Under § 102

Claims 1-8, 10-15 and 27-37 stand rejected as being unpatentable under 35 U.S.C. § 102(e) in view of U.S. Patent Publication No. 20030182574 to Whitten et al. ("Whitten"). Applicant respectfully traverses this rejection.

Applicant addresses the rejection of the independent claims in the following. As a preliminary matter, Applicant does not separately address the patentability of each remaining dependent claim in detail. However, Applicant's decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that Applicant concurs with the Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, Applicant's decision not to discuss differences between the prior art and every claim element, or every comment made by the Office, should not be considered as an admission that Applicant concurs with the Office's interpretation and assertions regarding those claims. Indeed, Applicant believes that all of the dependent claims patentably distinguish

over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Amended independent claim 1 recites:

> An apparatus comprising:
> one or more processors;
> memory;
> a media including *game content that includes at least an executable file and a data file*; and
> a data protection portion including a file system alteration checking portion, stored in the memory and executable on one or more processors, that protects the apparatus from modification of the game content by determining whether the game content has been modified, wherein the data protection portion includes a file signature checking portion for checking whether a file signature of the data file is as expected for media that has not been modified, the *file signature checking portion being called during execution of the executable file and after the executable file initiates access to the data file*, and
> if the game content has been modified, then the use of the game content within the apparatus fails. (Emphasis added.)

Applicant respectfully submits that the relied upon patent publication neither discloses nor suggests what is recited by independent claims 1, 27, 32, 34 and 36 for at least the following reasons.

Whitten describes the use of a header associated with a game disc, where the header is used to validate the contents stored on the game disc before content on the game disc is executed. (See paragraph 56 of Whitten.) The header includes a header digest that includes a digest of a section of the software and information specifying a region, a rating, and media type of the software. (See Abstract.) The header digest may include a plurality of digest sections. Each of these digest sections may correspond to digital data that is stored on the game disc. Before

content is executed on the game disc, the plurality of the digest sections are compared with corresponding digital data stored on the game disc. (See paragraph 62 of Whitten.) If any of the digest sections do not match corresponding digital data stored on the game disc, use of the game disc and the files thereon are prevented.

The invention described in Whitten is effective to validate that content stored on a game disc has been unmodified since the creation of the disc. However, because the header section of the game disc is created by the manufacturer, once the disc and underlying files are associated with the header section, upgrades to content stored on the game disc are difficult to implement. More specifically, the addition of one or more game modules after the game disc is manufactured requires, at the very least, extensive modification of the header section. At least one implementation described in the instant Application substantially eliminates such extensive modifications.

Amended in claim 1 recites "the file signature checking portion being called during execution of the executable file and after the executable file initiates access of the data file." The Whitten patent publication does not disclose or suggest a file signature checking portion of the type recited in the claim. More specifically, the Whitten system validates all data stored on a game disc before a file thereon is executed. In distinction, an implementation according to the instant Application is capable of verifying data during execution of "the executable file and after the executable file initiates access of the data file." Therefore, at least one implementation according to the instant Application verifies data as access thereto is required. This eliminates having to perform an extensive validation

process of all the data stored on a game disc, and enables a developer to easily update software on a game disc after a disc is manufactured.

Similarly, for the reasons discussed above, Whitten fails to disclose or suggest what is recited in claims 27, 32, 34 and 36. Claim 27 recites "comparing an actual signature of the data file with an expected signature of the data file, the comparing initiated during execution of an executable file and after the executable file initiates access of the data file." Claim 32 recites "examining the media content for alterations in format and content of files within the media content based on an actual and an expected signature of the media content, the examining initiated during execution of an executable file and after the executable file initiates access of the media content." Claim 34 recites "checking actual formats and actual signatures of the files when accessed from the memory with expected formats and expected signatures of the files, the checking initiated during execution of an executable file attempting to access the files and before accessing data associated with the files." Claim 36 recites "requesting game content data files to be loaded by the game console executable files and during execution thereof; comparing actual signatures of the game content data files with expected signatures of the game content data files before the game content data files are loaded." For the reasons described with regard to claim 1, the patent publication relied upon by the Office Action fails to disclose or suggest these limitations, and thus fail to render unpatentable claims 27, 32, 34 and 36.

In accordance with the above, Applicant submits that Whitten neither discloses nor suggests the recitation of claim 1. Thus, claim 1 is patentable over the cited reference. Furthermore, because claims 2-8 and 10-15 are patentable for at least the same reasons as the independent claim from which they depend, and because they add additional features to claim 1, Applicant submits that claims 2-8 and 10-15 also are patentable. For at least the reasons discussed with respect to claims 1, 2-8 and 10-15, Applicant also asserts that claims 27-28, 30-31, 32-33, 34-35 and 36-37 are patentable over Whitten.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) also be withdrawn against the pending claims.

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number provided below.

Respectfully Submitted,

Dated: July 3, 2007

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